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COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 October 1991, at 3 p.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 3.30 p.m.

OTHER MATTERS (agenda item 11) (continued)

World Conference on Human Rights (A/CONF.157/PC/6 and Add.3 and 4; A/CONF.157/PC/13; General Assembly resolution 45/155; Commission on Human Rights resolution 1991/30)

1. Mr. KOLOSOV, referring to paragraph 9 of resolution 45/155, in which the General Assembly encouraged the designated members of human rights expert bodies to take part in the work of the Preparatory Committee for the World Conference on Human Rights, said that the Committee on the Rights of the Child should take the necessary measures for that purpose now and suggested that the Chairman of the Committee should be requested to represent it at meetings of the Preparatory Committee.

2. He drew attention to the objectives of the Conference, which were set forth in paragraph 1 (d), (e) and (f) of resolution 45/155 and were of particular concern to the Committee: the Conference was called upon to evaluate the effectiveness of the mechanisms used by the United Nations in the field of human rights and to formulate concrete recommendations for improving the effectiveness of those mechanisms, as well as to make recommendations for ensuring the necessary financial and other resources for United Nations activities in the promotion and protection of human rights. The Commission on Human Rights had also referred to those elements in the recommendations it had submitted to the Preparatory Committee (resolution 1991/30, annex, para. 4).

3. As to the list of issues which the Human Rights Committee had submitted to the Preparatory Committee (A/CONF.157/PC/6/Add.4), he was of the opinion that the Committee on the Rights of the Child should also ask the Preparatory Committee about ways of ensuring proper financing for the United Nations human rights structure and thus increasing the monitoring bodies' effectiveness. The Committee should also explain its views on that structure and on the changes it required, as part of an individual or collective study by the participants in the preparatory process which would be considered at the World Conference. If possible, it should also organize several regional seminars by 1993 so that the results could be submitted to the Conference. In his view, the Committee should submit its suggestions to the Preparatory Committee before the meeting that body would hold in April 1992 because, if it waited until its next regular session to formulate suggestions, it might not be able to make them heard at the 1993 Conference. The Committee might entrust that task to a working group.

4. Mrs. SANTOS PAIS said she supported Mr. Kolosov's proposal that the Committee should be represented at the meetings of the Preparatory Committee for the Conference by its Chairman. She also considered that, if the Committee did not want to wait until the next session of the Preparatory Committee to formulate its own recommendations, it would have to deal now with a number of questions and, in particular, that of the role it could play in the evaluation of the activities of United Nations bodies in the field of human rights and possible ways of strengthening the work of those bodies,

especially the treaty bodies, so that they might contribute more fully to the protection of human rights. To that end, the Committee should undertake to find ways of improving coordination among those bodies, for that was something it could definitely do.

5. Most of the topics submitted for the consideration of the Preparatory Committee for the Conference by other monitoring bodies related to questions of functioning, not to substantive problems, although the question of the interdependence of human rights, democracy and development had been raised. The Committee should discuss the significance of such a conference and try to suggest ways of breathing new life into regional and national discussions of the protection and promotion of human rights. One way might be to encourage national human rights organizations and bodies to take part in the preparation and dissemination of reports submitted to monitoring bodies pursuant to international instruments. The Committee could invoke article 44, paragraph 6, of the Convention to promote such participation. It should also emphasize the proper financing of the United Nations human rights structure, for the budget resources set aside for that purpose were insufficient, even though the protection of such rights was one of the three main focuses of United Nations activities.

6. Mr. HAMMARBERG said that one of the members of the Committee should be appointed without delay to represent the Committee in the Preparatory Committee for the Conference: that member would serve as a kind of rapporteur on the question and would go into it in detail in order to define the exact orientation and content of the Committee's contribution to the preparations for the Conference. Without any doubt, the Conference would open up new horizons and it would definitely be an opportunity for enthusiastic discussions of the basic aspects of future United Nations activities in the field of human rights. However, was the Committee on the Rights of the Child really authorized to take part in such discussions? He reminded the members that they served in the Committee in their personal capacity and that their only task was to consider the progress made by States parties in the fulfilment of the obligations they had assumed under the Convention. That limited the platform of the Committee's contribution to the preparations for the World Conference to two points: participating in the consideration of the question of the effectiveness of the monitoring bodies and coordination between those bodies; and ensuring that, in future, account was taken of the rights of the child during the formulation of strategies for the protection and promotion of human rights.

7. Mr. KOLOSOV said that the objectives of the World Conference were well known, since the General Assembly had already set them. It was therefore too late to discuss them. What needed to be looked at were ways of achieving those objectives and that was why the Preparatory Committee had invited all the treaty bodies to state their views (A/CONF.157/PC/13, decision PC/6).

8. Consequently, in addition to the fact that the Committee must decide without delay who was going to represent it in the Preparatory Committee, it had to make its views known to the Preparatory Committee in a resolution which

would have to be submitted before the Preparatory Committee's second session in April 1992. In that resolution, the Committee should, for example, request that one of the future committees of the World Conference should deal specifically with the rights of the child.

9. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) confirmed that the other treaty bodies had been represented, and had made statements, at the first session of the Preparatory Committee in September 1991. As the question of the provisional agenda of the World Conference still had to be considered by the Preparatory Committee at its second session, the Committee on the Rights of the Child might propose that items of concern to it should be included at that time.

10. Mr. HAMMARBERG stressed that the Committee and the other treaty bodies had to coordinate the initiatives they would take in the Preparatory Committee and, of course, in the World Conference. Such coordination was all the more important in that the treaty bodies were not in the front rank of the United Nations system and the possibility had even been considered of making States parties responsible for their funding. The Committee on the Rights of the Child had to preserve its own specificity, of course, but it must also stand united with the other treaty bodies. He also recalled that, so far, the rights of the child had hardly been discussed at all in the Commission on Human Rights.

11. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the secretariat was planning to hold a 4th meeting of chairmen of human rights treaty bodies during the second half of 1992 and that that would probably be a good opportunity for the Committee on the Rights of the Child to coordinate its proposals for the World Conference with those of other treaty bodies.

12. The CHAIRMAN, summing up the discussion, said that the Committee had to decide who would represent it in the Preparatory Committee; which items it would propose for inclusion in the agenda of the World Conference; and which documents to submit to the World Conference.

13. Mr. KOLOSOV proposed that the Chairman should represent the Committee at the second session of the Preparatory Committee.

14. The Chairman was appointed by acclamation to represent the Committee on the Rights of the Child at the second session of the Preparatory Committee.

15. Mr. KOLOSOV suggested that the Committee should give further consideration to the second and third points the Chairman had just made and not discuss them until its next session.

16. Mrs. SANTOS PAIS said she agreed with that idea, but recalled that the Committee would have to make its proposals before the second session of the Preparatory Committee or, in other words, before April 1992. She also noted that the General Assembly, the Commission on Human Rights and the Preparatory Committee at its first session had already defined the framework into which those proposals would have to fit. Moreover, the indivisible nature of human

rights, on which particular emphasis was placed in the Convention on the Rights of the Child, the broad scope of the Convention and the large number of States which had ratified it in so short a time made it a privileged instrument for the strengthening of dialogue and international cooperation and showed that there was a need for smooth coordination between the treaty bodies.

17. The CHAIRMAN suggested that the Committee should not wait until its next session to consider the two points she had mentioned earlier, but should discuss them the following day.

18. It was so decided.

The meeting was suspended at 3.28 p.m. and resumed at 4.09 p.m.

FUTURE MEETINGS OF THE COMMITTEE (agenda item 10)

19. The CHAIRMAN invited Mrs. Santos Pais to describe the elements which might be included in the agenda of future meetings of the Committee, in addition to the consideration of reports to be submitted by States parties, and to propose dates for those meetings.

20. Mrs. SANTOS PAIS said that, at each regular session, the Committee had to be informed of new developments in the United Nations that affected its work. The Committee also had to discuss the question of the preparations for the World Conference on Human Rights; emphasize the principle of on-going dialogue with treaty bodies such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination, which dealt with matters of particular concern to it; consider the possibility of establishing a dialogue with the Special Rapporteur of the Commission on Human Rights to consider problems relating to the sale of children, child prostitution and child pornography, as well as with the Chairman of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; establish a documentation and information system enabling it to analyse data submitted to it by United Nations agencies and non-governmental organizations; consider ways of providing advisory services and technical assistance; decide whether to establish a technical advisory group; deal with general questions relating to the objectives of the Convention, such as the situation of refugee children, the situation of children in armed conflict, the achievement of economic, social and cultural rights and the promotion and dissemination of the Convention; and think about the question of the consideration and adoption of reports on the work of its sessions and, in particular, the preparation of the report it was to submit to the General Assembly every two years.

21. Through large-scale accession to the Convention on the Rights of the Child, the international community had shown how much importance it attached to the Committee's work, so that the Committee should, in principle, meet at least twice a year. In the light of the calendar of conference services at the United Nations Office at Geneva, the Committee might, starting in 1993, be able to meet once in January and again in September-October. As far as 1992 was concerned, it might hold a first session in May-June and a second in September-October. However, account would

have to be taken of some imponderables, such as the number of reports which would be submitted to the Committee, whether States parties submitted their reports on time and the amount of time translation would take.

22. Mr. KOLOSOV said that, at its next session, the Committee should also define the methods of work of its pre-sessional working group and prepare a model statistical table which would then be sent to States parties together with the guidelines for the preparation of reports. With regard to the problem of access to conference services, he questioned whether the Committee was required to meet in Geneva. Might it not, with the approval of the General Assembly, hold meetings in New York or Vienna?

23. Mr. HAMMARBERG said that, as far as the consideration of the reports of States parties was concerned, the Committee could naturally rely on the experience of the other treaty bodies. However, its members did not seem to be satisfied with such a narrow approach to their terms of reference. The Convention on the Rights of the Child was quite different from other international instruments in a number of respects: it placed particular emphasis on dialogue; it embodied the principle of technical assistance; and had received an unprecedented number of ratifications in a short time, thus indicating that a large number of reports from States parties would have to be considered. It was therefore not at all unreasonable at the current stage to ask whether more time should be spent on preparing for the consideration of those reports. The members of the Committee would, for example, have to understand the exact meaning of the various articles of the Convention and form a clear idea of some of the new concepts it embodied. At the same time, the Committee would have to try to make the best possible use of the resources allocated to it.

24. He therefore proposed that the Committee should give further consideration to the following questions: methods of work of the working group; international cooperation; relations with non-governmental organizations; specific instructions to be given to United Nations agencies concerning their contribution to the Committee's work; technical assistance programmes; socio-economic indicators and statistics; ways of using studies to be prepared; further elaboration of the idea of the "best interests of the child"; and optimum use of the financing made available by the United Nations.

25. He proposed that, in 1992, the Committee should hold one regular session and one meeting of the working group and that the latter should be devoted to the preparations for the consideration of the initial reports to be submitted by States parties. In that way, the Committee would have established both the principle of a pre-sessional working group and that of two sessions, one regular and one preparatory, subject, of course, to the General Assembly's agreement.

26. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) confirmed that, in order to establish the principle of two annual sessions, the Committee would have to have the agreement of the General Assembly. As far as the 1992 calendar was concerned, the Committee would be able to hold a session lasting two or three weeks, if it so wished, but, in order to convene a working group, it first had to have the General Assembly's approval.

27. Mrs. SANTOS PAIS said that the Committee would have to meet twice a year in order to perform its functions effectively. In 1992, it would hold a regular session in September-October during which it would consider some of the points mentioned earlier. It would then meet in November-December as a working group in order to prepare for the consideration of reports in 1993. The principle of those two annual meetings was also justified by psychological reasons, since the fact of meeting only once a year might make the members of the Committee less motivated.

28. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that, subject to the approval of the General Assembly, a working group composed of three to five members of the Committee at most might meet for one week in mid-December 1992.

29. Mrs. SANTOS PAIS asked whether, since the Committee had only 10 members, they might not all take part in the work of the working group.

30. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that, even if had only a very small number of members, a committee as a whole could not meet as a working group. In such a case, the working group could consist of only four or five members representing the different regions and social and legal systems.

31. Mrs. SANTOS PAIS said that, as a rule, any working group set up by the Committee should consist of only three or four members, but she thought that, as an exception, for the first time, all members of the Committee might form part of the working group which might meet in 1992.

32. Mr. KOLOSOV said that he would like to know when the question of the Committee's contribution to the preparations for the 1993 World Conference on Human Rights would be considered. The Chairman would not be able to take any decision in that regard when she was taking part in the work of the Preparatory Committee for the Conference unless she had first consulted the other members of the Committee.

33. The CHAIRMAN said that the Committee seemed to agree on the principle that it would hold two sessions a year as of 1993, subject, of course, to the approval of the General Assembly. In 1992, it might hold a regular session from 28 September to 9 October and, in December, meet as a working group for one week to start considering the reports of States parties that were already available. The secretariat had confirmed that, as an exception and in 1992 only, all members of the Committee might take part in the work of the working group, on the understanding that its meetings would not have summary records. The question of the Committee's contribution to the preparations for the 1993 World Conference might be considered during informal meetings, such as the regional meetings it had been suggested to organize in Colombia and Zimbabwe. She would then be in a position to make the Committee's views known to the second session of the Preparatory Committee for the World Conference on Human Rights in April 1992.

34. Mrs. EUFEMIO asked whether, since the regular sessions would deal mainly with the consideration of the reports of States parties and the Committee

could hold special sessions, all matters which did not relate to the consideration of reports might not be considered during special sessions. She understood that special sessions were financed by special funds.

35. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that special sessions were financed by funds from a reserve fund set up for the entire United Nations system. In addition, special sessions were usually of an emergency nature and could be convened only with the approval of the competent authorities and bodies.

36. Mr. HAMMARBERG said that the Committee would not be meeting in special session to consider extremely urgent matters, but in order to forecast and, in a way, plan its needs. Knowing that its regular sessions would probably not be enough, it must approach the General Assembly now in order to make it understand that it might have to hold another session or extend one of its scheduled sessions, instead of waiting until the last minute and running the risk of having its request rejected.

37. Mr. KOLOSOV said that, at its current session, the General Assembly would adopt the draft programme budget for the biennium 1992-1993. The Committee therefore had to submit its request now so that the General Assembly would take account of its requirements in the budget calculations for the next biennium.

38. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that any interim report adopted by the Committee would automatically become a General Assembly document. It would, of course, first be considered by the Third Committee, and, if the Third Committee formulated recommendations or adopted draft resolutions providing for activities with financial implications, the matter would then be referred to the Fifth Committee.

39. Mrs. SANTOS PAIS said that it must be clearly explained that the general principle being established was that of two regular sessions a year, but that, as an exception in 1992, the Committee would hold a regular two-week session in September-October and then meet as a working group for one week to start considering the reports of States parties that were available.

40. Mr. HAMMARBERG asked whether, for the sake of clarity, it would be possible to draft a text summarizing the decision the Committee had taken and wanted to submit to the General Assembly. It would also be a good thing if a preliminary agenda could be drawn up for the meeting in September-October 1992.

41. Mr. KOLOSOV proposed that the message to the General Assembly should take the form of a draft resolution adopted by the Committee.

42. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee agreed to that proposal.

43. It was so decided.

The meeting rose at 6.05 p.m.